

## Joint Statement on the ‘Year of Action for Recognition of Gender Identity & Against Forced Others Gender Labelling 1141’ #Actionof1141

**20 October 2020, N.S. 1141/01/01**

We, Queer Youth Group, Campaign For Change and Trans Rights Collective would like to collectively declare the year 1141 [Nepal Sambat](#) (Era) to be ‘Year of Action for Gender Recognition & Against Forced Others Gender Labelling’ (Action of 1141). We, along various others organizations, groups, collectives as well as individuals who are a part of our network jointly declare this year of action that aims to establish legal recognition for people of all genders & replace the current legislation of forced others gender.

### Context

Nepal is mostly renowned for passing a landmark verdict in 2007 that marks introduction of a ‘third gender’ option in Nepal. It has been 13 years since the verdict, various government and non-government institutions have adopted this verdict in their own way.

In 2012, the Ministry of Home Affairs promulgated a directive on issuing citizenship certificates to people from gender and sexual minority communities demarcating their gender as ‘Others’. Some institutions have added this ‘third gender option’ as ‘Others’ (*anya*) or ‘Others gender’ (*anyalingi*), while many have used the term ‘third gender’ (*tesrolingi*), and some have used the phrase ‘gender and sexual minorities’ (*laingik tatha yaunika alpasankhyak*) . The directive by the Ministry of Home Affairs is one of the biggest legislative mistakes that has become determinant to the lives of thousands. The directive defines that ‘Others gender’ means ‘gender and sexual minorities who are neither man nor woman’ and further defines that ‘gender and sexual minorities refer to Lesbian, Gay, Bisexual Transgender and Intersex’. The directive conflates sexual orientation, gender identity & sex characteristics; presents the terms transgender in English and *tesrolingi* (meaning third gender) in Nepali further entrenching confusion



between ‘transgender’ and ‘third gender’; uses incorrect & ambiguous vocabularies; and at the core fails to address the issue of gender recognition for people beyond cishnormativity.

The constitution includes the term ‘gender and sexual minorities’ that is often used by broader **PoMSOGISEC (people of marginalized sexual orientation, gender identity & sex characteristics)** to claim their rights. However there isn’t a legal definition of this phrase yet.

The legislation has a complete lack of understanding that ‘sexual orientation’, ‘gender identity’ and ‘sex characteristics’ are three different things and that anyone who does not fall under cishnormativity are not ‘third gender’ or ‘others gender’ by default. While it has forced lesbian, gay and bisexual people to be defined as ‘gender’ when it isn’t gender at all rather ‘sexual orientation’; denied that being intersex is a sex characteristics & intersex people can have a gender identity as male, female or non-binary. The legislation has added an additional burden for transgender people, in particular trans men and trans women by also forcing them into the label of ‘third gender’. This means trans men are denied of recognition as men and trans women are denied of recognition as women. Moreover there are people who have a gender identity beyond the binary of male & female – but others as a nomenclature is insensitive & discriminatory.

While the judicial establishments have hailed ‘gender identity’ as a subject of self-determination - the conversation is largely only around ‘third gender’ - and silences, dismisses and erases identities, voices & narratives of transgender, intersex, non-binary & gender diverse people.

None of the current acts, regulations and legislation that govern legal documentation, ID cards and certifications have a provision to allow changing name and gender markers. In June this year, the federal parliament proposed the amendment bill of citizenship act & passed from the State Affairs and Good Governance Committee - it geared up to further shrink the issue of gender identity to ‘third gender’, making ‘medical certification’ a requirement. Such requirements of pathologization or involuntary medical interventions are forms of state torture against people, violation of individuals’ bodily integrity and human rights.

Therefore it is evident that the current legislative system fails to address the issue of gender identity, the broader PoMSOGIESEC spectrum; fails to differentiate between sexual orientation, gender identity and sex characteristics; conflates between

‘transgender’ and ‘third gender’ as well as forces / obliges ‘L G B T I’ people to be marked as a ‘third gender’ or person of ‘others gender’.

## Objectives of the campaign

1. To establish comprehensive, inclusive and appropriate provisions on legal recognition of gender identity.
2. To ensure right to self-determination by ending pathologization, involuntary medical interventions and all other forms of degrading & dehumanizing requirements set for changing one’s gender marker and name that violates one’s human rights.
3. To ensure the right to privacy, including the right to be forgotten, regarding one’s personal gender history, medical status & history, trans or intersex status.
4. To ensure state takes measures to use diverse gender inclusive language and adopts measures to ensure people’s pronouns / gendered terms are respected and develops legislation to address deliberate misgendering.
5. To establish a comprehensive definition / understanding on sexual orientation, gender identity and sex characteristics in the legislation of Nepal.
6. To remove the current legislation of ‘others gender’ and a forced ‘third gender’ labelling.

## Alongside:

1. Creating more resources and materials for people to educate themselves about sexual orientation, gender identity and sex characteristics (SOGIESEC) in a comprehensive way.
2. To foster social awareness about SOGIESEC.

## We affirm:-

1. [The Yogyakarta Principles \(YP +10\)](#)
2. [National Transgender Demand Sheet](#) (31 March 2020)
3. [National Charter of Demands of Legal Recognition of Gender Identity](#) (17 May 2020)
4. [Demands regarding gender identity on Citizenship Bill](#) (6 Aug 2020)
5. Yearning to National Intersex Demand Sheet (26 Oct 2020)



Trans Rights Collective  
पारलैङ्गिक अधिकार समूह



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**Full Name:** Year of Action for Recognition of Gender Identity & Against Forced Others Gender Labelling 1141

**Short Name:** Action of 1141

**Hashtag:** #ActionOf1141 (Primary)

(Additional): #NotTheOthers, #RepealOgender,  
#GenderRecognitionInNepal, #TransRightsInNepal, #IntersexRightsInNepal,  
#NbRightsInNepal

Individuals who are part of the PoMSOGIESEC spectrum & particularly trans, intersex, non-binary & gender diverse folks as well as groups / organizations / collectives who are led by people of the PoMSOGIESEC spectrum can join hands to be part of this action with us. Please reach out to us at [queeryouthgroup.nepal@gmail.com](mailto:queeryouthgroup.nepal@gmail.com), [transrightscollective@gmail.com](mailto:transrightscollective@gmail.com) or [campaignforchange17@gmail.com](mailto:campaignforchange17@gmail.com)

**Hereby:**

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**Website:** <https://actionof1141.wordpress.com/>



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